

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**ANTONIO FLORES VERA,  
TDCJ-CID #1464193,**

**v.**

**GREG ABBOTT, et al.**

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**CIVIL ACTION NO. 2:12-CV-00044**

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**ORDER ADOPTING IN PART MEMORANDUM AND RECOMMENDATION**

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Plaintiff, a Texas state prisoner, brought this civil rights action pursuant to 42 U.S.C. § 1983 alleging that the individuals involved in his prosecution—including the district attorney, state judge, and his defense counsel—conspired to violate his constitutional rights, which led to his unlawful incarceration. Plaintiff has filed a motion requesting that he be permitted to proceed *in forma pauperis*. (D.E. 2.) Plaintiff's action is subject to the three strikes provision of the Prison Litigation Reform Act. *See* 28 U.S.C. §§ 1915 and 1915A; *Ruiz v. United States*, 160 F.3d 273, 274 (5th Cir. 1998) (per curiam). United States Magistrate Judge Brian L. Owley issued a memorandum and recommendation recommending that Plaintiff's motion for leave to proceed *in forma pauperis* be denied and that this action be dismissed as frivolous. (D.E. 12.)

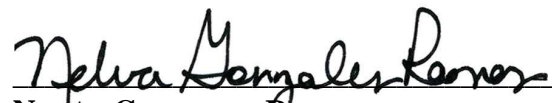
Plaintiff filed objections to the Magistrate Judge's memorandum and recommendation. (D.E. 13.) Plaintiff's objections reiterate his conspiracy claims and allege that the Magistrate Judge is assisting the state officials in their conspiracy to violate his constitutional rights. Plaintiff failed to make any specific objections to the Magistrate Judge's proposed findings of fact and conclusions of law.

Plaintiff is entitled to a de novo disposition of those portions of the Magistrate Judge's memorandum and recommendation to which timely objections have been filed. FED. R. CIV.

P. 72(b); 28 U.S.C. § 636(b)(1); *Koetting v. Thompson*, 995 F.2d 37, 40 (5th Cir. 1993). “The filing of objections to a magistrates’ report enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties’ dispute.” *Thomas v. Arn*, 474 U.S. 140, 147 (1985). The Court is not, however, required to consider objections that are frivolous, conclusive, or general in nature. *Battle v. United States Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987). Moreover, general disagreement with the Magistrate Judge’s suggested resolution does not constitute an “objection” as that term is used in FED. R. CIV. P. 72. The Court finds that Plaintiff’s objections are frivolous, conclusive, and general in nature; and therefore, they do not necessitate a de novo review of any part of the Magistrate Judge’s findings and conclusions.

As Plaintiff failed to provide valid objections to the Magistrate Judge’s memorandum and recommendation, the district court need only satisfy itself that there is no clear error on the face of the record. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)). Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s memorandum and recommendation (D.E. 12), as well as the other relevant portions of the record, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge with regard to Plaintiff’s motion to proceed *in forma pauperis*. Accordingly, Plaintiff’s motion to proceed *in forma pauperis* (D.E. 2) is **DENIED**.

**ORDERED** this 27th day of August 2012.

  
 NELVA GONZALES RAMOS  
 UNITED STATES DISTRICT JUDGE